

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

IN THE MATTER OF:

SAN DIEGO COUNTY WATER AUTHORITY
SAN VICENTE PIPELINE PROJECT
DEWATERING, LAKESIDE, CALIFORNIA

COMPLAINT NO. R9-2007-0014
FOR

ADMINISTRATIVE CIVIL LIABILITY
WITH

VIOLATIONS OF EFFLUENT LIMITATIONS) MANDATORY MINIMUM PENALTIES

IN ORDER NO. 2001-96, NPDES NO.

JANUARY 22, 2007

CAG919002 GENERAL WASTE DISCHARGE)

REQUIREMENTS FROM GROUNDWATER)

EXTRACTION AND SIMILAR DISCHARGES)

FROM CONSTRUCTION, REMEDIATION,)

AND PERMANENT GROUNDWATER)

EXTRACTION PROJECTS TO SURFACE)

WATERS WITHIN THE SAN DIEGO REGION)

EXCEPT FOR SAN DIEGO BAY)

WDID NO. 9 000001414)

**SAN DIEGO COUNTY WATER AUTHORITY, SAN VICENTE PIPELINE PROJECT
DEWATERING IS HEREBY GIVEN NOTICE THAT:**

1. San Diego County Water Authority is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, San Diego Region (Regional Board) may impose civil liability pursuant to the Porter-Cologne Water Quality Control Act, §13385 of the California Water Code (CWC). The violations alleged herein include violations of effluent limitations in waste discharge requirements for discharges of pollutants from point sources to navigable waters for which the Regional Board must impose mandatory minimum penalties (MMP).
2. San Diego County Water Authority discharged treated wastewater to a tributary to the San Diego River from the San Vicente Pipeline Project Dewatering operation at the Slaughterhouse Canyon Shaft Site subject to waste discharge requirements, including numeric effluent limitations, contained in *Order No. 2001-96, NPDES No. CAG919002, General Waste Discharge Requirements for Groundwater Extraction and Similar Waste Discharges from Construction, Remediation, and Permanent Groundwater Extraction Projects to Surface Waters Within the San Diego Region Except for San Diego Bay.*
3. CWC section 13385 (h) includes provisions for MMP for serious violations of waste discharge requirements for surface water discharges. Each serious

violation (defined as a violation of an effluent limitation for Group I pollutants by 40 percent or more, or for Group II pollutants by 20 percent or more) is subject to a three thousand dollar (\$3,000) MMP.

ALLEGATIONS

4. Between December 2005 and November 2006 the discharge to a tributary to the San Diego River exceeded effluent limitations for total nitrogen on forty-three occasions as noted in *Table 1. Summary of Effluent Violations* (attached).
5. Pursuant to subdivision (h) of Section 13385 of the CWC, the mandatory minimum penalty (MMP) of one hundred twenty thousand dollars (\$120,000) for the alleged violations of effluent limitations as determined by the following:
 - a. January 2006
 - i. Instantaneous Maximum
On January 9 and 24, 2006, the concentrations of total nitrogen (a Group I pollutant) in monitoring reports submitted by the discharger were 2.23 mg/L and 8.35 mg/L respectively, which exceeded the instantaneous maximum effluent limitation (2.0 mg/L) by 40% or more.
 - ii. Average Monthly Effluent Limitation (AMEL)
Based on samples collected on January 9, 17, and 24, 2006, the average concentration of total nitrogen in January 2006 was 1.73 mg/L, which exceeded the AMEL (1.0 mg/L) by 40% or more.
 - b. February 2006
 - i. Instantaneous Maximum
On February 7 and 24, 2006 the concentrations of total nitrogen in monitoring reports submitted by the discharger were 16.1 mg/L and 25.2 mg/L respectively, which exceeded the instantaneous maximum effluent limitation by 40% or more.
 - ii. AMEL
Based on samples collected on February 7 and 14, 2006, the average concentration of total nitrogen in February 2006 was 20.6 mg/L, which exceeded the AMEL by 40% or more.
 - c. March 2006
 - i. Instantaneous Maximum
On March 3, 10, 16, 17, and 30, 2006, the concentrations of total nitrogen in monitoring reports submitted by the discharger were 20 mg/L, 12.9 mg/L, 5.8 mg/L, 9.3 mg/L and 7.08 mg/L respectively, which exceeded the instantaneous maximum effluent limitation by 40% or more.

- ii. AMEL
Based on samples collected on March 3, 10, 16, 17, 20, 24, and 30, 2006, the average concentration of total nitrogen in March 2006 was 8.3 mg/L, which exceeded the AMEL by 40% or more.
- d. April 2006
 - i. Instantaneous Maximum
On April 6 and 11, 2006, the concentrations of total nitrogen in monitoring reports submitted by the discharger were 6.4 mg/L and 2.96 mg/L respectively, which exceeded the instantaneous maximum effluent limitation by 40% or more.
 - ii. AMEL
Based on samples collected on April 6 and 11, 2006, the average concentration of total nitrogen in April 2006 was 4.7 mg/L, which exceeded the AMEL by 40% or more.
- e. May 2006
 - i. Instantaneous Maximum
On May 18 and 25, 2006, the concentrations of total nitrogen in monitoring reports submitted by the discharger were 5.2 mg/L and 5.28 mg/L respectively, which exceeded the instantaneous maximum effluent limitation by 40% or more.
 - ii. AMEL
Based on samples collected on May 18, 25, and 31, 2006, the average concentration of total nitrogen in May 2006 was 3.7 mg/L, which exceeded the AMEL by 40% or more.
- f. June 2006
 - i. Instantaneous Maximum
On June 13, 20, and 27, 2006, the concentrations of total nitrogen in monitoring reports submitted by the discharger were 2.61 mg/L, 6.4 mg/L and 4.9 mg/L which exceeded the AMEL by 40% or more.
 - ii. AMEL
Based on samples collected on June 6, 13, 20, and 27, 2006, the average concentration of total nitrogen in June 2006 was 3.72 mg/L, which exceeded the AMEL by 40% or more.
- g. July 2006
 - i. Instantaneous Maximum
On July 25, 2006, the concentration of total nitrogen in monitoring reports submitted by the discharger was 7.67 mg/L, which exceeded the instantaneous maximum effluent limitation by 40% or more.

- ii. AMEL
Based on samples collected on July 7, 13, and 25, 2006, the average concentration of total nitrogen in July 2006 was 3.2 mg/L, which exceeded the AMEL by 40% or more.
- h. August 2006
 - i. Instantaneous Maximum
On August 1, 8, 15, 22, and 29, 2006, the concentrations of total nitrogen in monitoring reports submitted by the discharger were 10.4 mg/L, 3.1 mg/L, 7.8 mg/L, 17.6 mg/L and 3.6 mg/L respectively, which exceeded the instantaneous maximum effluent limitation by 40% or more.
 - ii. AMEL
Based on samples collected on August 1, 8, 15, 22, and 29, 2006, the average concentration of total nitrogen in August 2006 was 8.5 mg/L, which exceeded the AMEL by 40% or more.
- i. September 2006
 - i. Instantaneous Maximum
On September 18, 2006 the concentration of total nitrogen in monitoring reports submitted by the discharger was 19.6 mg/L, which exceeded the instantaneous maximum effluent limitation by 40% or more.
 - ii. AMEL
Based on the September 18, 2006 sample, the average concentration of total nitrogen in September 2006 was 19.6 mg/L, which exceeded the AMEL by 40% or more.
- j. October 2006
 - i. Instantaneous Maximum
On October 4, 10, 17, and 25, 2006, the concentrations of total nitrogen in monitoring reports submitted by the discharger were 4.3 mg/L, 7.3 mg/L, 4.8 mg/L, and 6.5 mg/L respectively, which exceeded the instantaneous maximum effluent limitation by 40% or more.
 - ii. AMEL
Based on samples collected on October 4, 10, 17, and 25, 2006, the average concentration of total nitrogen in October 2006 was 5.7 mg/L which exceeded the AMEL by 40% or more.
- k. November 2006
 - i. Instantaneous Maximum
On November 7, 16, and 25, 2006, the concentrations of total nitrogen in monitoring reports submitted by the discharger were 13.2 mg/L, 2.8 mg/L, and 9.07 mg/L respectively, which exceeded the instantaneous maximum effluent limitation by 40% or more.

ii. AMEL

Base on samples collected on November 7, 16, 25, and 27, 2006, the average concentration of total nitrogen in November 2006 was 6.5 mg/L, which exceeded the AMEL by 40% or more.

PROPOSED CIVIL LIABILITY

6. Pursuant to sections 13385(h) of the CWC, the Regional Board must impose mandatory minimum penalties in the amount of one hundred twenty thousand dollars (\$120,000) on San Diego County Water Authority. Discretionary civil liability above the mandatory minimum for the violations alleged in this Complaint is not recommended.

Dated this 22nd day of January 2007



JOHN H. ROBERTUS
Executive Officer

Table 1. Summary of Effluent Violations

San Diego County Water Authority
San Vicente Pipeline Project
Lakeside, California

Complaint No. R9-2007-0014

Violation Date	Constituent	Effluent Limitation	Unit	Permitted Limit	Reported/C alculated Value	Serious Violation	Mandatory Minimum Penalty
12/13/2005	Total Nitrogen	Instantaneous maximum	mg/L	2.0	2.3	No	\$0
12/13/2005	Total Nitrogen	AMEL*	mg/L	1.0	2.3	Yes	\$0**
1/9/2006	Total Nitrogen	Instantaneous maximum	mg/L	2.0	2.23	No	\$0
1/24/2006	Total Nitrogen	Instantaneous maximum	mg/L	2.0	8.35	Yes	\$3,000
1/24/2006	Total Nitrogen	AMEL*	mg/L	1.0	3.95	Yes	\$3,000
2/7/2006	Total Nitrogen	Instantaneous maximum	mg/L	2.0	16.1	Yes	\$3,000
2/24/2006	Total Nitrogen	Instantaneous maximum	mg/L	2.0	25.2	Yes	\$3,000
2/24/2006	Total Nitrogen	AMEL*	mg/L	1.0	20.6	Yes	\$3,000
3/3/2006	Total Nitrogen	Instantaneous maximum	mg/L	2.0	20	Yes	\$3,000
3/10/2006	Total Nitrogen	Instantaneous maximum	mg/L	2.0	12.9	Yes	\$3,000
3/16/2006	Total Nitrogen	Instantaneous maximum	mg/L	2.0	5.8	Yes	\$3,000
3/17/2006	Total Nitrogen	Instantaneous maximum	mg/L	2.0	9.3	Yes	\$3,000
3/30/2006	Total Nitrogen	Instantaneous maximum	mg/L	2.0	7.08	Yes	\$3,000
3/30/2006	Total Nitrogen	AMEL*	mg/L	1.0	8.3	Yes	\$3,000
4/6/2006	Total Nitrogen	Instantaneous maximum	mg/L	2.0	6.4	Yes	\$3,000
4/11/2006	Total Nitrogen	Instantaneous maximum	mg/L	2.0	2.96	Yes	\$3,000
4/11/2006	Total Nitrogen	AMEL*	mg/L	1.0	4.7	Yes	\$3,000
5/18/2006	Total Nitrogen	Instantaneous maximum	mg/L	2.0	5.2	Yes	\$3,000
5/25/2006	Total Nitrogen	Instantaneous maximum	mg/L	2.0	5.28	Yes	\$3,000
5/25/2006	Total Nitrogen	AMEL*	mg/L	1.0	3.7	Yes	\$3,000
6/13/2006	Total Nitrogen	Instantaneous maximum	mg/L	2.0	2.61	Yes	\$3,000
6/20/2006	Total Nitrogen	Instantaneous maximum	mg/L	2.0	6.4	Yes	\$3,000
6/27/2006	Total Nitrogen	Instantaneous maximum	mg/L	2.0	4.9	Yes	\$3,000
6/27/2006	Total Nitrogen	AMEL*	mg/L	1.0	3.7	Yes	\$3,000
7/25/2006	Total Nitrogen	Instantaneous maximum	mg/L	2.0	7.67	Yes	\$3,000
7/25/2006	Total Nitrogen	AMEL*	mg/L	1.0	3.2	Yes	\$3,000
8/1/2006	Total Nitrogen	Instantaneous maximum	mg/L	2.0	10.4	Yes	\$3,000
8/8/2006	Total Nitrogen	Instantaneous maximum	mg/L	2.0	3.1	Yes	\$3,000
8/15/2006	Total Nitrogen	Instantaneous maximum	mg/L	2.0	7.8	Yes	\$3,000
8/22/2006	Total Nitrogen	Instantaneous maximum	mg/L	2.0	17.6	Yes	\$3,000
8/29/2006	Total Nitrogen	Instantaneous maximum	mg/L	2.0	3.6	Yes	\$3,000
8/29/2006	Total Nitrogen	AMEL*	mg/L	1.0	8.5	Yes	\$3,000
9/18/2006	Total Nitrogen	Instantaneous maximum	mg/L	2.0	19.6	Yes	\$3,000

*AMEL=Average Monthly Effluent Limitation

**Violations occurring prior to January 1, 2006 not submit to MMP

9/18/2006	Total Nitrogen	AMEL*	mg/L	1.0	19.6	Yes	\$3,000
10/4/2006	Total Nitrogen	Instantaneous maximum	mg/L	2.0	4.3	Yes	\$3,000
10/10/2006	Total Nitrogen	Instantaneous maximum	mg/L	2.0	7.3	Yes	\$3,000
10/17/2006	Total Nitrogen	Instantaneous maximum	mg/L	2.0	4.8	Yes	\$3,000
10/25/2006	Total Nitrogen	Instantaneous maximum	mg/L	2.0	6.5	Yes	\$3,000
10/25/2006	Total Nitrogen	AMEL*	mg/L	1.0	5.7	Yes	\$3,000
11/7/2006	Total Nitrogen	Instantaneous maximum	mg/L	2.0	13.2	Yes	\$3,000
11/16/2006	Total Nitrogen	Instantaneous maximum	mg/L	2.0	2.8	Yes	\$3,000
11/25/2006	Total Nitrogen	Instantaneous maximum	mg/L	2.0	9.07	Yes	\$3,000
11/25/2006	Total Nitrogen	AMEL*	mg/L	1.0	6.5	Yes	\$3,000
TOTAL MMP							\$120,000

*AMEL=Average Monthly Effluent Limitation
 **Violations occurring prior to January 1, 2006 not submit to MMP